

Human Resources Legislative Update

Ontario Seeks Input Regarding the Establishment of Minimum Standards for School Board Trustee Codes of Conduct

Date: September 21, 2021

On September 17, 2021, the Ontario government [announced](#) that it is seeking input from stakeholders and members of the public regarding the establishment of “minimum standards” for school board trustee codes of conduct. The deadline for submissions is November 1, 2021.

Section 218.2(1) of Ontario’s *Education Act* currently provides that a school board “may adopt a code of conduct that applies to the members of the board.” However, under s. 218.2(2) of the *Act*, the Minister of Education has the authority to make regulations that do two things: (1) require school boards to adopt trustee codes of conduct, and (2) prescribe the content of those trustee codes of conduct.

In April 2018, the Minister of Education exercised the first power under s. 218.2(2) of the *Act* by filing [O. Reg. 246/18 “Members of School Boards – Code of Conduct”](#). That regulation, which remains in force today, requires all school boards to adopt trustee codes of conduct and ensure that they are reviewed every four years.

In light of the government’s recent announcement, it appears that the Minister of Education is now planning to exercise the second power under s. 218.2(2) of the *Act* by prescribing certain content that must be included in every code of conduct. The stated objective of this initiative is to “strengthen accountability mechanisms aimed at promoting ethical behaviour and good governance among school board trustees.”

If you have questions regarding the government’s call for submissions, the current review requirements under [Regulation 246/18](#), or the scope of trustees’ statutory duties, please contact any member of Hicks Morley’s School Board Practice Group.